

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Egypt House,)	Civil Action No.: 1:25-cv-10597-BEM
Plaintiff,)	
)	Brian E. Murphy
v.)	District Judge
)	
JOHN P. KELLEY, <i>et al.</i> ,)	MEMORANDUM IN SUPPORT OF
Defendants.)	MOTION TO EXTEND TIME FOR
)	SERVICE OF MICHAEL TUMULTY

Table of Authorities

Cases

Riverdale Mills Corp. v. United States DOT FAA, 225 F.R.D. 393 (D. Mass. 2005)

Rules and Regulations

USCS Fed Rules Civ Proc R 4

USCS Fed Rules Civ Proc R 7

L.R., D. Mass. 7.1

**MEMORANDUM IN SUPPORT OF MOTION TO EXTEND TIME WITHIN WHICH
TO SERVE MICHAEL TUMULTY, AN INDIVIDUAL**

I. Introduction and Brief Factual Background

Plaintiff Egypt House filed its Verified Complaint on March 12, 2025. On March 14, 2025, this Court entered its Short Order of Notice, ordering Plaintiff Egypt House to serve all Defendants on or before Friday, March 21, 2025. Plaintiff has served Waiver of the Service of Summons on all Defendants, including Defendant Tumulty in his roles with the Town of Marblehead; however, the address of Defendant Tumulty as an individual is unknown at this time. Contemporaneous herewith, counsel for Plaintiff has served counsel for the Town of Marblehead Retirement Board requesting disclosure of the residential address for Defendant Tumulty. Plaintiff hereby requests an extension of the period for service of Defendant Tumulty until April 30, 2025.

II. Legal Bases Supporting the Motion

A. Procedural Posture

USCS Fed Rules Civ Proc R 4, USCS Fed Rules Civ Proc R 7, and L.R., D. Mass. 7.1 require the filing of the subject Motion to Extend and complementary Memorandum in Support of Motion to Extend praying for the relief requested.

B. Requested Relief — Motion for Extension of Time to Serve

While the time for service in this instance is expedited by order of this Court, we are hopeful the Court will look favorably on this request, employing the sentiment stated at USCS Fed Rules Civ Proc R 4(m), to-wit: “[b]ut if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” In this instance, Defendant Tumulty is a former employee of the Town of Marblehead and, upon information and belief, is

no longer resident in the Town of Marblehead. His whereabouts are unknown. While Plaintiff Egypt House has served Waiver of the Service of Summons upon the Board of Assessors, Town of Marblehead relative to his period of employment by the Board of Assessors, Town of Marblehead and, thereby Defendant Tumulty, should have constructive notice of the subject claim, at this time; however, Plaintiff Egypt House does not have knowledge of Defendant Tumulty's current residential address.

As this Court stated in *Riverdale Mills Corp. v. United States DOT FAA*, 225 F.R.D. 393 (D. Mass. 2005), referring to Federal Rule of Civil Procedure 4(m), "[u]nder that provision, a court must extend the time for service of process if there is good cause shown for the delay."

III. Conclusion

Each of the civil procedural rules promulgated by the United States and the United States District Court, Massachusetts District, and legal precedent specifically provide for a motion to extend time for service as the appropriate method of preserving plaintiff's obligation under USCS Fed Rules Civ Proc R 4 when difficulty in locating a defendant becomes an issue.

WHEREFORE, in consideration of the foregoing arguments, Plaintiff Egypt House respectfully requests this Court enter an order extending the time for service of Defendant Michael Tumulty through and including April 30, 2025.

Respectfully submitted,

DATED: March 20, 2025

/s/Tracey M.A. Stockton
Tracey M.A. Stockton (MA Bar No.: 568495)
Admitted before the United States District Court,
Massachusetts District
Counsel for Plaintiff

Memorandum in Support of Motion to Extend
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CERTIFICATE OF SERVICE

Pursuant to USCS Fed Rules Civ Proc R 5, I certify a copy of Motion to Extend Time Within Which to Serve Defendant Tumulty, an Individual and the Memorandum filed in connection therewith was served via electronic mail upon on March 20, 2025, to the following party:

Aaron Macris, Esq.
Assistant Attorney General
Massachusetts Attorney General

/s/Tracey M.A. Stockton